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| APPLICATION NO.                                                                                                   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------------------|-------------|------------------------|---------------------|------------------|
| 10/596,471                                                                                                        | 06/14/2006  | Sjoerd Stallings       | NL031505            | 6987             |
| 24737 7590 12/12/2008<br>PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                        |                     |                  |
| EXAMINER<br>BERNARDI, BRENDA C                                                                                    |             |                        |                     |                  |
| ART UNIT<br>2627                                                                                                  |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>12/12/2008                                                                                           |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,471

**Applicant(s)**

STALLINGA, SJOERD

**Examiner**

BRENDA BERNARDI

**Art Unit**

4157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/14/2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 10-12 is/are rejected.  
7) ☒ Claim(s) 9 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06/14/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Furukawa et al. (US Patent 7,193,948).

Regarding Claim 1, Furukawa '948 teaches a record carrier comprising a data storage layer including a relief structure for storing data to be read, wherein the relief structure comprises a data track encoding data which is read-only, the data tracking comprising: a sequence of symbols having nominal lengths corresponding to an integral multiple of a standard bit length, the symbols having edges positioned according to a set of reference points which are regularly spaced along the data track and separated by the standard bit length, wherein the data track includes a first such edge, wherein the first edge is shifted along the data track, with respect to one of said reference points, by a first offset, wherein the data track includes a second such edge,

wherein the second edge is shifted along the data track, with respect to another of said reference points, by a second offset, wherein the magnitude of the second offset is different to the magnitude of the first offset (page 4, paragraph [0066], page 5, paragraph [0077], and page 6, paragraphs [0078] and [0079]).

Regarding Claim 11, Furukawa '948 teaches writing digital data to a surface, the writing comprising forming a data track including a sequence of symbols having nominal lengths corresponding to an integral multiple of a standard bit length, the symbols having edged positioned according to a set of reference points which are regularly spaced along the data track and separated by the standard bit length, wherein the sequence of symbols includes a first such edge, wherein the first edge is shifted along the data track, with respect to one of said reference points, by a first offset, wherein the data track includes a second such edge, wherein the second edge is shifted along the data track, with respect to another of said reference points, by a second offset, wherein the magnitude of the second offset is different to the magnitude of the first offset (page 2, paragraph [0025], page 4, paragraph [0066], page 5, paragraph [0077], and page 6, paragraphs [0078] and [0079]).

Regarding Claim 12, Furukawa '948 teaches the first offset and the second offset are determined with reference to a look-up table (page 5, paragraph [0077], and page 6, paragraphs [0078] and [0079]).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

4. Claims 2-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al. (US Patent 7,193,948).

Regarding Claim 2, Furukawa '948 fails to disclose the data track includes a symbol having a centrepoint halfway between the edges of the symbol, wherein the centrepoint is shifted along the data track, with respect to a reference centrepoint halfway between two of said reference points, by an offset.

However, Furukawa '948 teaches a leading edge starting condition and a trailing edge starting condition which, when combined, is equivalent to the shift of a centrepoint as understood by one having ordinary skill in the art at the time the invention was made (page 2, paragraph [0025]).

Regarding Claim 3, Furukawa '948 teaches the data track includes a first symbol and a second symbol, the first symbol having a first nominal length, the first nominal length corresponding to a first integral multiple of the standard bit length, the second symbol having a second nominal length, the second nominal length corresponding to a second, different, integral multiple of the standard bit length, wherein said first symbol

includes said first edge and wherein said second symbol includes said second edge (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 4, Furukawa '948 teaches the second symbol has a third such edge which is shifted with respect to one of said reference points, by a third offset (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 5, Furukawa '948 teaches the magnitude of the second offset is different to the magnitude of the third offset (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 6, Furukawa '948 teaches the data track comprises a third symbol having the same nominal length as the second symbol, wherein the third symbol has a fourth such edge and wherein the fourth edge is shifted, with respect to one of said reference points, by a fourth offset, the magnitude of which is different to the magnitude of the second offset (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 7, Furukawa '948 teaches the second symbol is separated from a fourth symbol by said second edge and the third symbol is separated from a fifth symbol by said fourth edge, the fourth symbol and the fifth symbol having different nominal lengths (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 8, Furukawa '948 teaches the second integral multiple is 3 (page 5, paragraph [0077] and page 6, paragraphs [0078] and [0079]).

Regarding Claim 10, Furukawa '948 fails to disclose the fourth symbol has a nominal length of 2.

However, Furukawa '948 teaches nominal lengths of 3 through 11 which is an obvious variant of a nominal length of 2 as understood by one having ordinary skill in the art at the time the invention was made (page 6, Tables 1 and 2).

### ***Claim Objections***

5. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on a multiple dependent claim. See MPEP § 608.01(n). Accordingly, claim 9 is not been further treated on the merits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDA BERNARDI whose telephone number is (571)270-7125. The examiner can normally be reached on 5:30 to 3:00 M thru Th, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 571 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENDA BERNARDI/  
Examiner, Art Unit 4157

/Marvin M. Lateef/  
Supervisory Patent Examiner, Art Unit 4157